

The Hon. James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
TIMOTHY ROBERT LAUCKS,
Defendant.

NO. CR23-028-JLR

~~PROPOSED~~ JWR

**PRELIMINARY ORDER
OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture seeking to forfeit, to the United States, Defendant Timothy Robert Laucks' interest in the following property ("Subject Property"):

- A Smith and Wesson M&P Shield pistol, bearing serial number HUY6543, with Balder light, bearing serial number M3057489, and all associated accessories and ammunition.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

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- The Subject Property is forfeitable pursuant to 21 U.S.C. § 853 as proceeds of and/or facilitating property for Defendant's *Possession of Controlled Substances with Intent to Distribute* offense, and pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), as property involved in his *Possession of Firearms in Furtherance of a Drug Trafficking Crime* offense, to which he pled guilty. Dkt. No. 28; and
- In Defendant's Plea Agreement, he agreed to forfeit the Subject Property pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c). Dkt. No. 28, ¶ 13.

NOW, THEREFORE, THE COURT ORDERS:

1. Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1) by way of 28 U.S.C. § 2461(c), and his Plea Agreement, Defendant's interest in the Subject Property is fully and finally forfeited, in its entirety, to the United States;
2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)–(B), this Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;
3. The Department of Justice, the Drug Enforcement Administration, and/or their authorized agents or representatives, shall maintain the Subject Property in their custody and control until further order of this Court;
4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the Subject Property as permitted by governing law. The notice shall be posted on an official government website – currently www.forfeiture.gov – for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than Defendant, who has or claims a legal interest in the property must

1 file a petition with the Court within sixty (60) days of the first day of publication of the
 2 notice (which is thirty (30) days from the last day of publication), or within thirty (30)
 3 days of receipt of direct written notice, whichever is earlier. The notice shall advise all
 4 interested persons that the petition:

- 5 a. shall be for a hearing to adjudicate the validity of the petitioner's
- 6 alleged interest in the property;
- 7 b. shall be signed by the petitioner under penalty of perjury; and,
- 8 c. shall set forth the nature and extent of the petitioner's right, title, or
- 9 interest in the property, as well as any facts supporting the
- 10 petitioner's claim and the specific relief sought.

11 5. If no third-party petition is filed within the allowable time period, the
 12 United States shall have clear title to the Subject Property and this Preliminary Order
 13 shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

14 6. If a third-party petition is filed, upon a showing that discovery is necessary
 15 to resolve factual issues it presents, discovery may be conducted in accordance with the
 16 Federal Rules of Civil Procedure before any hearing on the petition is held. Following
 17 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,
 18 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
 19 adjudication; and,

20 7. The Court will retain jurisdiction for the purpose of enforcing this
 21 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of

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1 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
2 Fed. R. Crim. P. 32.2(e).

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4 IT IS SO ORDERED.

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6 DATED this 29th day of November, 2023.

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8 
9 THE HON. JAMES L. ROBART
10 UNITED STATES DISTRICT JUDGE

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14 Presented by:

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